

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DEANNA PIERCE,

Plaintiff,

v.

CITY OF PHILADELPHIA,

Defendant.

CIVIL ACTION
NO. 17-05539

ORDER

AND NOW, this 3rd day of January, 2019, upon consideration of Defendant's Motions *in Limine* (ECF No. 47, Parts A–E), Plaintiff's Responses (ECF No. 55), Plaintiff's Motions *in Limine* (ECF Nos. 48–49) and Defendant's Responses (ECF Nos. 56–57), it is hereby **ORDERED** that, for the reasons discussed during oral argument on the Motions (ECF No. 65):

ECF No. 47-A is **DENIED**;

ECF No. 47-B is **DENIED without prejudice**;

ECF No. 47-C is **DENIED without prejudice**;

ECF No. 47-D is **GRANTED**;

ECF No. 47-E is **DENIED without prejudice** and

ECF No. 48 is **GRANTED**.

ECF No. 49 is **GRANTED in part and DENIED in part**. Pierce moves to exclude any reference to her withdrawn race discrimination claim arising from the City's failure to promote her to the HSPA position in 2015. The City may not offer evidence that Pierce alleged, and ultimately withdrew, a claim of employment

discrimination with respect to the 2015 promotion. Jurors may consider that Pierce applied for, but did not receive, promotions to the HSPA position in 2015 and the CJO Director position in 2017¹ and whether or not Pierce believes she was discriminated against on the basis of race when she was not promoted. Discussions about the promotion may include Pierce's score on the civil service exam vis-à-vis other candidates.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.

¹ After the Motions *in Limine* were filed, the Court granted summary judgment for the City with respect to all claims arising out of the City's failure to promote Pierce to the CJO Director position in 2017. The jurors will not be permitted to hear the Court's ruling with respect to those claims.